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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,806	04/13/2004	Jerome J. Ribo	118272	3472
25944	7590	04/20/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			BHAT, ADITYA S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,806

Applicant(s)

RIBO, JEROME J.

Examiner

Aditya S. Bhat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,8,9,11,12 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7,10,13-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Election/Restrictions***

Applicant's election with traverse of species II in the reply filed on 1/11/2006 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application could be made without serious burden. This is not found persuasive because the divergent search for the claimed subject matter would place additional burden on the examiner. The requirement is still deemed proper and is therefore made FINAL.

Drawings

The drawings are objected to because they are handwritten. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any

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required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,6-7,10,13-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshioka (USPUB 2005/0047495).

With regards to claim 1, Yoshioka (USPUB 2005/0047495) teaches a method of testing a clock and data recovery device (CDR), comprising: producing test data from a first CDR; and testing another second CDR based on the test data from the first CDR. (Pages 1-2, paragraph 0017) (figure 3)

With regards to claim 2, Yoshioka (USPUB 2005/0047495) teaches outputting the test data based on a clock; and generating data drift in the test data by changing a phase of the clock. . (Pages 1, paragraph 0015)

With regards to claim 3, Yoshioka (USPUB 2005/0047495) teaches setting the phase of the clock based on a count value; and changing the count value across a range of phase shifts. (Pages 1, paragraph 0015)

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With regards to claim 6, Yoshioka (USPUB 2005/0047495) teaches generating test data results in the second CDR device; and verifying the test data results. (Pages 2, paragraph 0016)

With regards to claim 7, Yoshioka (USPUB 2005/0047495) teaches producing test data from the second CDR; and testing the first CDR based on the test data from the second CDR. (figure 3)

With regards to claim 10, Yoshioka (USPUB 2005/0047495) teaches clock and data recovery device (CDR) device, comprising:

a phase variable clock source to generate a phase variable clock; (Pages 1, paragraph 0013)

a test data generator to generate test data based on the phase variable clock; (Pages 5, paragraph 0090)

a counter that has a count value to control a phase of the phase variable clock; and a finite state machine to increment/decrement the count value. (Pages 5, paragraph 0090) (figure 9)

With regards to claim 13, Yoshioka (USPUB 2005/0047495) teaches the test data generator is a pseudo random number generator. (Pages 5, paragraph 0090)

With regards to claim 14, Yoshioka (USPUB 2005/0047495) teaches the phase variable clock source is a phase rotator coupled to a phase locked loop (PLL) oscillator. (figure 19)

With regards to claim 15, Yoshioka (USPUB 2005/0047495) teaches a system or a network implementing the CDR of claim 10. (figure 3)

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With regards to claim 16, Yoshioka (USPUB 2005/0047495) teaches clock and data recovery device (CDR) device to test another second CDR, comprising:

means for generating test data to test the second CDR; and means for producing a range of data drift conditions in the test data. (Pages 1-2, paragraph 0017) (figure 3)

With regards to claim 17, Yoshioka (USPUB 2005/0047495) teaches means for producing a range of data drift conditions include means for reducing a rate of data drift. (Pages 1-2, paragraph 0017)

With regards to claim 18, Yoshioka (USPUB 2005/0047495) teaches an apparatus including a plurality of clock and data recovery devices, comprising:

a first CDR having a test data generator; and another second CDR, wherein the first CDR uses the test data generator to generate test data to test the second CDR. (Pages 1-2, paragraph 0017) (figure 3)

With regards to claim 20, Yoshioka (USPUB 2005/0047495) teaches the second CDR having a data checker to check a test data result output. (page 5, paragraph 0089)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lesso (USPUB 2005/0220240) teaches a clock synchronizer and clock and data recovery apparatus and method and Kim et al. (USPUB 2005/0069071) teaches a clock-data recovery ("CDR") circuit, apparatus and method for variable frequency data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270.

The examiner can normally be reached on M-F 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
04/12/2006

BRYAN BUI
PRIMARY EXAMINER

